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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10 Plaintiff,) Case No. MJ09-34
11 v.)
12 ABDULKADIR GASS HERSI,) DETENTION ORDER
13 Defendant.)
14

15 Offense charged:

16 CONSPIRACY TO DISTRIBUTE KHAT, in violation of 21 U.S.C. §§ 846
17 and 841(a)(1)

18 Date of Detention Hearing: February 4, 2009

19 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
20 based upon the factual findings and statement of reasons for detention hereafter set forth,
21 finds:

22 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 23 (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that
24 defendant is a flight risk and a danger to the community based on the nature of
25 the pending charges. Application of the presumption is appropriate in this
26 case.
- (2) Defendant works at the airport as a baggage handler.

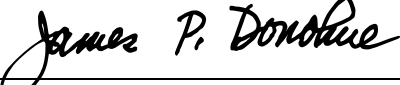
- 01 (3) During a search of defendant's house, a handwritten document listing and
02 identifying explosive materials was found in a clothes hamper. It included
03 dynamite, black powder, compressed gas, and chlorme. A SeaTac airport
04 bomb technician opined that these materials could cause a small explosion.
- 05 (4) The handwritten document also made reference to a Beechwood 1900 aircraft.
06 His employer (Delta) does not fly Beechwood 1900 aircraft, so it is unlikely
07 this related to training.
- 08 (5) The handwritten document also made reference to 14 CFR § 382.40, which
09 indicates that providing boarding assistance is not required for the Beechwood
10 1900 aircraft.
- 11 (6) Defendant's training took place in April or May of 2008 and so it is unlikely
12 that the handwritten document, found in the clothes hamper in late January
13 2009, was from his training.
- 14 (7) There are no conditions or combination of conditions other than detention that
15 will reasonably ensure the safety of the community.

16 IT IS THEREFORE ORDERED:

- 17 (1) Defendant shall be detained pending trial and committed to the custody of the
18 Attorney General for confinement in a correctional facility separate, to the extent practicable,
19 from persons awaiting or serving sentences or being held in custody pending appeal;
- 20 (2) Defendant shall be afforded reasonable opportunity for private consultation
21 with counsel;
- 22 (3) On order of a court of the United States or on request of an attorney for the
23 government, the person in charge of the corrections facility in which defendant is confined
24 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
25 connection with a court proceeding; and
- 26 (4) The Clerk shall direct copies of this Order to counsel for the United States, to

counsel for the defendant, to the United States Marshal, and to the United States Pretrial
Services Officer.

DATED this 5th day of February, 2009.



JAMES P. DONOHUE
United States Magistrate Judge